

Effective 3/28/2020

76-10-1110 Fringe gaming devices.

- (1) Notwithstanding any other provision in Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals, it is unlawful for any person to derive or intend to derive an economic benefit from a fringe gaming device by:
 - (a) permitting a fringe gaming device to be located on or in any real or personal property owned, rented, or under the control of the person;
 - (b) allowing individual or public access or use of a fringe gaming device as part of any business owned or operated by the person;
 - (c) inducing or aiding a person to use a fringe gaming device;
 - (d) investing in, financing, owning, controlling, or otherwise managing a fringe gaming device; or
 - (e) possessing a fringe gaming device with the intent to use or allow another to use the fringe gaming device.
- (2) Subsection (1) applies regardless of whether the fringe gaming device:
 - (a) is server-based;
 - (b) uses a simulated game terminal as a representation of a prize associated with the results of a sweepstakes entry;
 - (c) uses a simulated game to influence or determine the result of the simulated game or the value of a prize;
 - (d) selects the winner of a prize from a predetermined or finite pool of entries;
 - (e) includes a pre-reveal feature;
 - (f) predetermines a prize and reveals the prize at the time a sweepstakes entry result is revealed;
 - (g) requires deposit of any money, coin, token, or gift certificate, or the use of a credit card, debit card, prepaid card, or any other method of payment to activate the device;
 - (h) requires direct payment into the machine or device or remote activation of the device;
 - (i) requires a purchase of a related product regardless of whether the product has legitimate value;
 - (j) reveals the prize incrementally, regardless of whether a prize is awarded; or
 - (k) includes a skill-based game.
- (3) Each violation of this section is a separate offense.
- (4) A person who violates this section is guilty of:
 - (a) a class A misdemeanor for the first offense; or
 - (b) a third degree felony for a subsequent offense.

Enacted by Chapter 291, 2020 General Session